



**BILLING CODE 4000-01-P**

**DEPARTMENT OF EDUCATION**

**[Docket No.: ED-2021-SCC-0099]**

**Agency Information Collection Activities; Comment Request; ESEA Fiscal Waiver Requests**

**AGENCY:** Office of Elementary and Secondary Education (OESE), Department of Education (ED).

**ACTION:** Notice.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, ED is requesting the Office of Management and Budget (OMB) to conduct an emergency review of a new information collection.

**DATES:** The Department requested emergency processing from OMB for this information collection request on July 1, 2021. As a result, the Department is providing the public with the opportunity to comment under the full comment period. Interested persons are invited to submit comments on or before **[INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]**.

**ADDRESSES:** To access and review all the documents related to the information collection listed in this notice, please use <http://www.regulations.gov> by searching the Docket ID number ED-2021-SCC-0099. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at <http://www.regulations.gov> by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. If the [regulations.gov](http://www.regulations.gov) site is not available to the

public for any reason, ED will temporarily accept comments at [ICDocketMgr@ed.gov](mailto:ICDocketMgr@ed.gov). Please include the docket ID number and the title of the information collection request when requesting documents or submitting comments. *Please note that comments submitted by fax or e-mail and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Strategic Collections and Clearance Governance and Strategy Division, U.S. Department of Education, 400 Maryland Ave, SW, LBJ, Room 6W208D, Washington, D.C. 20202-4537.

**FOR FURTHER INFORMATION CONTACT:** For specific questions related to collection activities, please contact Todd Stephenson, 202-205-1645.

**SUPPLEMENTARY INFORMATION:** The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the

Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

*Title of Collection:* ESEA Fiscal Waiver Requests

*OMB Control Number:* 1810-0760

*Type of Review:* A new information collection

*Respondents / Affected Public:* State, Local, and Tribal Governments

*Total Estimated Number of Annual Responses:* 53

*Total Estimated Number of Annual Burden Hours:* 53

*Abstract:* Due to the continued extraordinary circumstances created by the COVID-19 pandemic and unprecedented obstacles students, educators, and schools are facing during the 2020-2021 school year, the U.S. Department of Education (the Department) is offering each State educational agency (SEA) the opportunity to request waivers that will afford additional fiscal flexibility for certain funds received under the Elementary and Secondary Education Act of 1965 (ESEA), pursuant to the Department's authority under section 8401 of the ESEA. Specifically, the Department is offering a waiver for an SEA to be able to approve a local educational agency (LEA) to carry over more than 15 percent of its fiscal year (FY) 2020 Title I, Part A funds (i.e., the Title I, Part A funds that will become carryover funds on October 1, 2021), even if the LEA has received a waiver from its SEA to exceed this limitation for its FY 2018 or FY 2019 Title I, Part A funds. Second, we are also offering flexibility to each SEA to be able to extend for itself and its subgrantees the period of availability of FY 2019 funds for programs included in the State's consolidated State plan to allow additional time to obligate those funds.

As the end of the current school year approaches and districts and schools continue to plan for the 2021-2022 school year, knowing whether their SEA is granted the invited waivers is essential to informing their planning because it provides more certainty about the availability of Federal funds for ESEA programs. Providing a streamlined process for SEA waiver requests will speed the process for both the SEA and the Department and help ensure State and local staff are able to maintain focus on the pressing needs of students. Any additional delay will have a negative impact on schools and students. In order to reduce the burden on States, the Department has created an optional template for States to collect the information required under ESEA section 8401 to request waivers of certain fiscal requirements. The optional template requests only information that is required under ESEA section 8401. The Department obtained OMB approval through emergency processing, and is now offering the public an opportunity to comment on this information collection.

Dated: July 7, 2021.

**Kate Mullan,**

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[FR Doc. 2021-14732 Filed: 7/15/2021 8:45 am; Publication Date: 7/16/2021]